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16 Attorneys for Defendants CALIFORNIA DEPARTMENT OF CORRECTIONS AND
17 REHABILITATION, ROBERT L. AYERS, JR., AND TERESA A. SCHWARTZ

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

20 DEANNA L. FREITAG,) No. C00-2278-TEH
21 Plaintiff,) STIPULATION, AGREEMENT, AND
22 vs.) REQUEST FOR ORDER AWARDING
23 CALIFORNIA DEPARTMENT OF) INTERIM ATTORNEYS' FEES AND
CORRECTIONS, et al.,) COSTS ATTRIBUTABLE TO PLAINTIFF'S
24 Defendants.) CLAIMS UNDER TITLE VII
25 _____)

26 Come now Plaintiff DEANNA FREITAG and Defendants CALIFORNIA
27 DEPARTMENT OF CORRECTIONS AND REHABILITATION, ROBERT L. AYERS,

28 / / /

1 JR., AND TERESA A. SCHWARTZ who, by and through their respective counsel of record,
2 stipulate, agree, and request, as follows:

RECITALS

4 1. On March 02, 2007, plaintiff filed a motion for an award of interim
5 attorneys' fees and costs. The defendants filed an opposition thereto on March 26, and
6 plaintiff filed her reply on April 02.

7 2. A hearing was held on the motion on April 16. The court granted the
8 motion, but found that plaintiff's papers did not sufficiently support the amount of her
9 request. The court therefore ordered the parties to meet and confer with a view toward
10 reaching agreement as to an amount of interim attorneys' fees attributable to plaintiff's Title
11 VII verdicts. The court also set a briefing schedule to be met in the event that the parties
12 could not so agree.

13 3. The parties met and conferred by conference calls on April 18 and 19, 2007,
14 and have reached agreement in the premises for payment. The parties understand, however,
15 that the defendants cannot guarantee payment by a date certain because (a) they must have
16 in hand a signed court order directing such payment because the funds necessary to make
17 payment are locked in a Special Deposit Fund, and (b) such payment involves another state
18 agency, namely the State Controller's Office which actually issues the check.

Now, and therefore, the parties stipulate, agree, and request, as follows:

STIPULATION, AGREEMENT, AND REQUEST

21 A. The defendants will pay to Price and Associates as trustee for Deanna
22 Freitag the sum of \$500,000.00 as and for interim attorneys' fees attributable to plaintiff's
23 Title VII verdicts through the fee award order of October 17, 2003, and plaintiff agrees to
24 accept such payment for such purpose, without prejudice to her claim for an amount of further
25 fees as awarded by the court on October 17, 2003, on November 19, 2003, and fees that have
26 been incurred since September 30, 2003 and which may be awarded by the court upon entry
27 of final judgment or as agreed to by the parties.

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B. The defendants will pay to Price and Associates the sum of \$93,500.00, which represents 100% of statutory costs per Bill of Costs filed May 19, 2003, and non-statutory costs awarded by order of October 17, 2003;

4 C. The payments to be made hereunder are and will be creditable toward any
5 and all future liabilities and obligations that the defendants, or any of them, may have to
6 plaintiff in this action.

7 D. Upon receipt of an endorsed copy of the court's below order, the defendants
8 and their counsel will do everything within their power and ability to ensure that the required
9 payments are processed and issued as expeditiously as possible, giving the same the highest
10 priority.

11 E. The parties jointly request that the court sign the below order, and vacate
12 the briefing schedule relative to the subject motion.

13 || Dated: April ___, 2007

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CHARLES STEPHEN RALSTON

by: /s/ Pamela Y. Price
PAMELA Y. PRICE

Attorneys for Plaintiff DEANNA L. FREITAG

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1 Dated: April 23, 2007

2 EDMUND G. BROWN JR.
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4 JACOB A. APPELSMITH
5 Senior Assistant Attorney General
6 VINCENT J. SCALLY, JR.
7 Supervising Deputy Attorney General
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11 Deputy Attorney General

12 by: /s/ Kathryn Allen for

13 RICHARD L. MANFORD
14 Deputy Attorney General

15 Attorneys for Defendants CALIFORNIA
16 DEPARTMENT OF CORRECTIONS AND
17 REHABILITATION, ROBERT L. AYERS, JR.,
18 and TERESA SCHWARTZ

19 ORDER

20 The court having read and considered the foregoing Stipulation, and GOOD
21 CAUSE APPEARING THEREFOR,

22 IT IS HEREBY ORDERED that the defendants shall make the payments as
23 above described as expeditiously as possible, assigning their highest priority to the same, and
24 that the briefing schedule previously established relative to the subject motion shall be, and
25 hereby is, VACATED.

26 DATED: April 25, 2007

27 THELTON E. HENDERSON

28 United States District Court

